

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Laura L. Mahan et al. **Examiner:** Vaughn, G.J.

Application No.: 09/540,756 **Art Unit:** 2178

Filing Date: March 31, 2000 **Confirmation No.:** 3424

Atty. Docket No.: 27996-232-UTIL

Title: **METHOD, APPARATUS, PROCESSOR-READABLE MEDIA
AND SIGNALS FOR ACQUIRING AND PRESENTING
ACQUIRED MULTIMEDIA CONTENT**

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF PURSUANT TO 37 C.F.R. § 41.37

In accordance with a Notice of Appeal, filed on November 27, 2006, Applicants submit
this Appellants' brief.

1. **Fee:** Enclosed herewith are a check for the fee of \$500.00 for filing of a brief in support of an appeal and a check for the fee of \$120.00 for one-month extension of time to file the brief.
2. **Real Party-in-Interest:** All rights to the above referenced patent application have been assigned to:

03/05/2007 DEMMANU1 00000049 09540756

01 FC:1402

500.00 0P

Nortel Networks Limited
World Trade Center of Montreal
380 St. Antoine Street West, 8th Floor
Montreal, Quebec H2Y 3Y4, CANADA

~~03/05/2007 DEMMANU1 00000049 09540756~~~~01 FC:1402~~~~500.00 0P~~

3. **Related Appeals and Interferences:** There are no known other appeals or interferences that would directly or indirectly affect the Board's decision in the present appeal.

4. **Status of the Claims of U.S. Patent Application Serial No. 09/540,756 ("756 application"):**

Claims 1-8, 14-26, 33-40, and 42 are pending.

Claims 1-3, 6-8, 14-19, 22-26, 33, 35, and 37-40 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,081,262 to Gill (hereinafter, "Gill").

Claim 42 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gill.

Claims 4-5, 20-21, 34, and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gill in view of U.S. Patent No. 6,128,655 to Fields et al. (hereinafter, "Fields").

5. **Status of Amendments:**

(a) A First Office Action was mailed October 27, 2003.

(b) A Response to the First Office Action was filed January 27, 2004, traversing the Examiner's rejections.

(c) A Final Office Action was mailed April 5, 2004.

(d) A telephonic interview with the Examiner was conducted on June 29, 2004 again traversing the Examiner's rejections.

(e) A Response to the April 5, 2004 Final Office Action was filed August 5, 2004, traversing the Examiner's rejections.

(f) An Advisory Action was mailed August 16, 2004

- (g) A Request for Continued Examination was filed September 7, 2004 re-submitting the August 5, 2004 Response to the April 5, 2004 Final Office Action.
- (h) An Office Action was mailed December 2, 2004.
- (i) A Response to the December 2, 2004 Office Action was filed April 4, 2005, again traversing the Examiner's rejections.
- (j) A Final Office Action was mailed June 14, 2005.
- (k) A Request for Continued Examination was filed September 14, 2005, again traversing the Examiner's rejections.
- (l) An Office Action was mailed December 14, 2005.
- (m) A Response to the December 14, 2005 Office Action was filed April 11, 2006, again traversing the Examiner's rejections.
- (n) A Final Office Action was mailed June 26, 2006.
- (o) An Interview with the Examiner was conducted on September 20, 2006, again traversing the Examiner's rejections.
- (p) A Response to the June 26, 2006 Final Office Action was filed September 26, 2006, again traversing the Examiner's rejections.
- (q) An Advisory Action was mailed October 23, 2006.
- (r) Notice of Appeal was filed November 27, 2006.
- (s) No amendment was filed after either the June 26, 2006 Final Office Action or the October 23, 2006 Advisory Action.

6. **Summary of the Claimed Subject Matter:**

The present invention is directed to methods, apparatus, processor-readable media and signals for producing multimedia presentations and, more particularly, to acquiring and

presenting acquired multimedia content. (Page 1, lines 5-7). Method and apparatus are provided for building a presentation by receiving user-input identifying multimedia content to be included in the presentation and copying multimedia content identified by the user-input, from multimedia source to memory, for access by a presentations application. (Page 2, lines 24-29).

A multimedia content can be acquired from a network, e.g., World Wide Web using a computer having a processor in communication with the network. (FIG. 1, Page 5, lines 4-5). The processor is programmed with codes to run a browser for browsing resources identified by uniform resource locators ("URLs"). (Page 5, lines 8-9). A user input that identifies multimedia content to be included in a presentation is received and the multimedia content identified by such user input is copied from a source to memory for access by a presentation application. (Page 5, lines 10-14). The above multimedia content includes content viewed in a window of the browser. The user can browse the World Wide Web and copy multimedia content from an addressed location or content associated with the addressed location to a presentation storage area in memory for later retrieval by a presentation application. (Page 5, lines 18-21).

A web-based applet is used to copy content. (FIG. 2, Page 5, lines 27-28). The applet is loaded to the user's computer and registered with the browser. The applet sets up a presentation folder for storing multimedia content and a presentation file in which multimedia content records may be stored. (FIG. 3, Page 6, lines 8-11).

The applet provides presentation builder instructions to for receiving user-input identifying multimedia content to be included in a presentation and copying multimedia content identified by the user to memory for access by a presentation application. (FIG. 2, Page 6, lines 13-17). The applet also provides presentation application instructions for identifying multimedia content previously selected by the user for inclusion in the presentation and accessing and

presenting at least some of the previously selected multimedia content. (FIG. 2, Page 6, lines 18-22).

The presentation builder instructions further allow detection of a user selection of the presentation window (FIG. 4, Page 7, lines 4-6) and inclusion of a user selection portion that determines whether the user has selected particular multimedia content to be included in the presentation (FIG. 4, Page 7, lines 18-20). The user selection portion adds the page currently addressed by the browser to the presentation file. (Page 7, lines 20-23). Once the presentation window is selected, the page currently addressed by the browser is displayed in a preview window, while simultaneously displaying a page-identification and a text box for receiving user inputted text and associating the same with multimedia content shown in the preview window. (FIGS. 4, 6, Page 7, lines 9-15).

To effect the copying, a content record is created in the presentation file that includes an ID field, a memory index and a notes field. (FIGS. 3, 7, 8, Page 7, line 28 to Page 8, line 8). Any given HTML page (that includes multimedia content) is parsed for tags and content associated with the tags is loaded into the presentation folder. (FIG. 7, Page 8, lines 9-14).

The user can create a permanent presentation folder or presentation file of multimedia content and an index of acquired content, while surfing the world wide web. The user can specify multimedia content in the addressed locations of interest or content associated with the addressed locations of interest and copy such content to a presentation storage area in memory for later retrieval by a presentation application. (Page 9, lines 5-12).

The Applicants note that claims 1-8, 14-26, 33-40, and 42 stand and fall together. However, as required by MPEP 1205, 37 C.F.R. 41.37(c)(1)(v), the Applicants provide herewith specification reference points for each element in independent claim 1. The Applicants note that

these reference points are for exemplary purposes only and are not intended to limit the scope of claim 1. Further, these reference points are applicable to the remaining independent claims 14-17, 39, and 42.

At least Page 1, lines 5-7 and Page 2, lines 24-29 of the present application's specification describe the preamble of claim 1 that states: "A method of building a presentation." At least FIG. 1; Page 2, lines 26 to Page 3, line 2; and Page 5, lines 2-21 describe "accessing a page including multimedia content from a multimedia source through a multimedia content application." At least FIGS. 1 and 7; Page 5, lines 2-21; and Page 8, lines 9-22 describe "subsequent to receiving user selection input while said page is accessed through said multimedia content application, automatically identifying multimedia content having a tag by parsing said page." At least FIGS. 1, 2, 4, and 7; Page 5, lines 10-21; Page 6, lines 4-22; Page 7, lines 4-23; and Page 8, lines 9-22 of the specification describe "copying said multimedia content having said tag from said multimedia source to memory, for access by a presentation application."

7. Grounds of Rejection to be Reviewed on Appeal:

Applicants contend that claims 1-3, 6-8, 14-19, 22-26, 33, 35, and 37-40 are novel and are not anticipated under 35 U.S.C. 102(e) by Gill.

Applicants further content that claim 42 is patentable and is not rendered obvious under 35 U.S.C. 103(a) over Gill.

Applicants further content that claims 4-5, 20-21, 34, and 36 are patentable and are not rendered obvious under 35 U.S.C. 103(a) in light of a combination of Gill and Fields.

8. Argument:

A. Independent claims 1, 14-17 and 39 are not anticipated under 35 U.S.C. 102(e) by Gill.

In the June 26, 2006 Final Office Action, the Examiner cited Gill as an anticipating reference with respect to claims 1-3, 6-8, 14-19, 22-26, 33, 35, and 37-40.

Claim 1 of the present application recites a method of building a presentation, the method comprising: accessing a page including multimedia content from a multimedia source through a multimedia content application; and subsequent to receiving user selection input while said page is accessed through said multimedia content application, automatically identifying multimedia content having a tag by parsing said page, and copying said multimedia content having said tag from said multimedia source to memory, for access by a presentation application.

In the June 26, 2006 Final Office Action, the Examiner stated, *inter alia*,

Gill discloses a user selecting input. Gill recites: “the author simply selects object characteristics from a set of menus to control the layout, content and presentation of the document page that is created’ (column 3, lines 49-52).

Gill discloses automatically identifying multimedia content based upon the tags while the page is accessed by the multimedia content application. Gill recites: “the multi-media data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object” (column 15, lines 49-53).

Gill discloses copying multimedia content into memory. Gill recites: “the author defines a movie object MB into which is imported a movie, which is stored in memory, and obtained from one of the sources named above” (column 10, lines 11-13). Gill discloses copying the multimedia page into memory in Figure 4 at reference sign 403 (shown as “Gather Page Level Multi-Media Data”) (See, June 26, 2006 Final Office Action, Pages 3-4).

When responding to Applicants’ arguments submitted in response to December 15, 2005 Office Action, the Examiner stated:

Gill is clearly directed toward generating multimedia presentations (see the title) and Gill recites: “It is well known in the presentation generation arena how to create multi-media presentations which contain textual, graphical, audio and even

video segments” (column 1, lines 25-27). (See, June 26, 2006 Office Action, Page 12).

With regard to the “subsequent to receiving user selection...” step of claim 1, the

Examiner stated as follows:

Gill discloses automatically identifying multimedia content based upon the tags while the page is accessed by the multimedia content application. Gill recites: “the multimedia data is stored and processed by the page based document layout system Q in a transparent manner, the data is identified by tags which note the multi-media nature of the particular data object” (Column 15, lines 49-53). Gill discloses copying multimedia content into memory. Gill recites: “the author defines a movie object MB into which is imported a movie, which is stored in memory, and obtained from one of the sources named above” (column 10, lines 11-13). Gill discloses copying the multimedia page into memory in Figure 4 at reference sign 403 (shown as “Gather Page Level Multi-Media Data”). (See, June 26, 2006 Final Office Action, page 13).

In the October 23, 2006 Advisory Action, the Examiner stated that:

Gill discloses, in Figure 4, at reference sign 402, the step of “Gather Document Level Multi-Media Data.” (See, October 23, 2006 Advisory Action, Page 2).

The Examiner has misinterpreted Gill and its disclosure. Gill discloses a multi-media presentation generation system that includes a menu driven multi-media presentation generation system. (Gill, Col. 5, lines 10-12). Gill’s system further includes page based document layout system Q that has a page layout capability allowing a user to define a workspace of predetermined physical extent, where the workspace is divided by the user into a plurality of objects. (Gill, Col. 5, lines 27-32). Gill allows the user to define the content and function of each of these workspaces individually as well as their integration with the other objects in the workspace to form the entirety of presentation. (Gill, Col. 5, lines 37-40). Gill partitions an underlying page using a menu based system into a plurality of boxes that can be edited by the user. (Gill, Col. 6, lines 23-27). In contrast to the claimed invention of the present application, Gill fails to teach “subsequent to receiving user selection input while said page is accessed

through said multimedia content application, automatically identifying multimedia content having a tag by parsing said page”, as recited in claim 1. Instead, Gill discloses usage of an existing library of documents and arranging them on a presentation page, where the documents can be obtained from a plurality of sources. (Gill, Col. 6, lines 2-8). As such, Gill’s user input with regard as to where to place the content on the presentation page is different than “user selection input” recited in claim 1. As stated above, Gill’s user arranges these documents into boxes using menu-driven system on the presentation layout page. This is different than “subsequent to receiving user selection input while said page is accessed through said multimedia content application, automatically identifying multimedia content having a tag by parsing said page”, as recited in claim 1.

Contrary to the Examiner’s assertions, Gill fails to disclose “a user selecting input”, “automatically identifying multimedia content based upon the tags while the page is accessed by the multimedia content application” and “copying multimedia content into memory”, as recited, *inter alia*, in claim 1. Instead, Gill teaches a system that uses a page based print document layout paradigm to regulate the spatial relationship among the plurality of objects contained within the multi-media presentation. (Gill, Col. 3, lines 21-24). Gill’s system enables its users to take existing documents prepared for a print medium and convert them to multi-media presentations. (Gill, Col. 4, lines 35-37). Gill’s users define the content and function of each of workspaces individually and integrate them in the workspace to form the presentation. (Gill, Col. 5, lines 37-40). Thus, contrary to the recitation of claim 1, Gill is primarily concerned with presentation layout and arrangements of components of the presentation on the presentation page.

Gill further fails to disclose “automatically identifying multimedia content having a tag by parsing a page” and “copying said multimedia content having said tag...” “subsequent to

receiving user selection input...”, as recited in claim 1. In contrast, Gill discloses that information for inclusion in a presentation can be “downloaded from external sources...such as Internet S4” (Gill, Col. 5, line 65 to Col. 6, line 8), however, Gill does not disclose how its system identifies and copies the information into, for example, a presentation folder. Hence, Gill fails to disclose identifying and/or copying information from an external source such as the Internet, much less disclose Applicants’ particular approach recited in the present claim 1.

Since Gill fails to disclose all of the elements of claim 1, Gill is not anticipatory reference. As such, claim 1 should be allowed.

Independent claims 14-17 and 39 include limitations that are the same as or similar to those of independent claim 1 and, thus, are not anticipated by Gill for least the same reasons. Claims 2-3, 6-8, 18-19, 22-26, 33, 35, 37-38, and 40 depend from claims 1, 17 and 39, respectively, and are allowable over Gill for at least the reasons stated above with respect to claim 1. Hence, the rejection of claims 2-3, 6-8, 18-19, 22-26, 33, 35, 37, 38, and 40 is respectfully traversed.

B. Independent claim 42 is not rendered obvious under 35 U.S.C. 103(a) over Gill

In the June 26, 2006 Final Office Action, the Examiner cited Gill as an obviousness reference with respect to claim 42.

Claim 42 recites, *inter alia*, a method of building a presentation, the method comprising: accessing a web page including multimedia content from a multimedia source through a browser; subsequent to receiving user selection input while said web page is accessed through said browser, activating a presentation window and automatically causing said web page to be presented in a preview window of said presentation window; and subsequent to receiving user selection input while said web page is presented in said preview window, automatically

identifying multimedia content having a HTML tag by parsing said web page, and copying said multimedia content having said HTML tag from said multimedia source to memory, for access by a presentation application.

In the June 26, 2006 Final Office Action, the Examiner stated that Gill discloses all elements of claim 42 but “fails to explicitly describe the multimedia tags as HTML tags.” (Final Office Action, page. 10, para. 35).

Contrary to the Examiner’s assertions, in addition to failing to explicitly disclose multimedia tags as HTML tags, Gill also fails to teach or suggest, *inter alia*, “subsequent to receiving user selection input while said web page is presented in said preview window, automatically identifying multimedia content having a HTML tag by parsing said web page” and “copying said multimedia content having said HTML tag from said multimedia source to memory, for access by a presentation application”, as recited in claim 42. Hence, claim 42 is patentable over Gill for at least the reasons stated above with respect to claim 1 and should be allowed. Thus, the rejection of claim 42 is respectfully traversed.

C. Claims 4-5, 20-21, 34, and 36 are not rendered obvious under 35 U.S.C. 103(a) by a combination of Gill and Fields

In the June 26, 2006 Final Office Action, the Examiner cited a combination of Gill and Fields as rendering obvious claims 4-5, 20-21, 34, and 36.

Claims 4-5, 20-21, 34 and 36 are dependent on respective independent claims 1 and 17. As such, claims 4-5, 20-21, 34 and 36 are allowable for at least the reasons stated above with respect to claim 1.

Fields does not cure the deficiencies of Gill. Fields discloses a distribution mechanism for filtering, formatting and reuse of web based content. However, Fields does not disclose, teach or

suggest, *inter alia*, “subsequent to receiving user selection input while said web page is presented in said preview window, automatically identifying multimedia content having a HTML tag by parsing said web page” and “copying said multimedia content having said HTML tag from said multimedia source to memory, for access by a presentation application”. Thus, the rejections of claims 4-5, 20-21, 34 and 36 are respectfully traversed. Hence, claims 4-5, 20-21, 34 and 36 are not rendered obvious by the combination of Gill and Fields.

CONCLUSION

All pending claims of the application are valid over the cited references. Allowance of the application is respectfully requested.

Dated: February 27, 2007

Respectfully submitted,



Peter R. Snell, Reg. No. 52,325
Richard M. Lehrer, Reg. No. 38,536
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY & POPEO, P.C.
Chrysler Center, 666 Third Avenue
New York, NY 10017
Tel: (212) 935-3000
Fax: (212) 983-3115

APPENDIX A

Copy of Claims

1. (Previously presented) A method of building a presentation, the method comprising:
accessing a page including multimedia content from a multimedia source through a
multimedia content application; and
subsequent to receiving user selection input while said page is accessed through said
multimedia content application, automatically identifying multimedia content having a tag by
parsing said page, and
copying said multimedia content having said tag from said multimedia source to memory,
for access by a presentation application.
2. (Previously Presented) The method claimed in claim 1 wherein copying comprises
copying said multimedia content having said tag from said multimedia content
application while said multimedia content application is using said multimedia content having
said tag.
3. (Previously Presented) The method claimed in claim 1 further comprising associating
an identifier with said multimedia content having said tag, for access by the presentation
application.

4. (Previously Presented) The method claimed in claim 3 wherein associating an identifier comprises associating a uniform resource locator with said multimedia content having said tag.

5. (Previously Presented) The method claimed in claim 4 wherein associating an identifier comprises associating with said multimedia content having said tag a uniform resource locator identified by an application using said multimedia content having said tag.

6. (Previously Presented) The method claimed in claim 1 further comprising associating user-definable notes with said multimedia content having said tag, for use by the presentation application.

7. (Previously Presented) The method claimed in claim 1 further comprising producing a multimedia content record accessible by the presentation application, said multimedia content record including a link to said multimedia content having said tag in said memory.

8. (Previously Presented) The method claimed in claim 7 further comprising producing said multimedia content record such that it includes an identifier associated with said multimedia content having said tag.

9-13. (Cancelled)

14. (Previously Presented) A computer-readable medium for providing processor-readable instructions for directing a processor circuit to build a presentation while a page including multimedia content from a multimedia source is being accessed by the processor circuit through a multimedia content application running on the processor circuit, the instructions directing the processor circuit to:

subsequent to the processor circuit receiving user selection input while said page is accessed through said multimedia content application,

identify multimedia content having a tag by parsing said page, and

copy said multimedia content having said tag from said multimedia source to memory, for access by a presentation application.

15. (Previously Presented) A signal readable by a computer, said signal comprising code for directing a processor circuit of the computer to build a presentation while a page including multimedia content from a multimedia source is being accessed by the processor circuit through a multimedia content application running on the processor circuit, the code including:

code for directing the processor circuit to, subsequent to receiving user selection input while said page is accessed through said multimedia content application,

identify multimedia content having a tag by parsing said page, and

copy said multimedia content having said tag from said multimedia source to memory, for access by a presentation application.

16. (previously presented) An apparatus for building a presentation, the apparatus comprising:

means for accessing a page including multimedia content from a multimedia source through a multimedia content application;

means for identifying multimedia content having a tag by parsing said page, subsequent to receiving user selection input while said page is accessed through said multimedia content application; and

means for copying said multimedia content having said tag from said multimedia source to memory, for access by a presentation application.

17. (Previously Presented) An apparatus for building a presentation, the apparatus comprising:

a processor circuit configured to access a page including multimedia content from a multimedia source through a multimedia content application;

a receiver operable to receive user selection input while said page is accessed through said multimedia content application;

a parser configured to identify multimedia content having a tag by parsing said page, subsequent to said receiver receiving said user selection input; and

a copying device for copying said multimedia content having said tag from said multimedia source to memory, for access by a presentation application.

18. (Previously Presented) The apparatus claimed in claim 17 wherein said copying device comprises a processor circuit programmed to copy said multimedia content having said tag from said multimedia content application running on said processor circuit, while said multimedia content application is using said multimedia content having said tag.

19. (Previously Presented) The apparatus claimed in claim 17 further comprising a processor circuit programmed to associate an identifier with said multimedia content having said tag, for access by the presentation application.

20. (Previously Presented) The apparatus claimed in claim 19 wherein said processor circuit is programmed to associate a uniform resource locator with said multimedia content having said tag.

21. (Previously Presented) The apparatus claimed in claim 20 wherein said processor circuit is programmed to associate with said multimedia content having said tag a uniform resource locator identified by an application using said multimedia content having said tag and running on said processor circuit.

22. (Previously Presented) The apparatus claimed in claim 17 further comprising a processor circuit programmed to associate user-definable notes with said multimedia content having said tag, for use by the presentation application.

23. (Previously Presented) The apparatus claimed in claim 17 further comprising a processor circuit programmed to produce a multimedia content record accessible by the presentation application, said multimedia content record including a link to said multimedia content having said tag in said memory.

24. (Previously Presented) The apparatus claimed in claim 23 wherein said processor circuit is programmed to produce said multimedia content record such that it includes an identifier associated with said multimedia content having said tag.

25. (Previously Presented) The apparatus claimed in claim 17 wherein said processing circuit comprises said receiver, said parser and said copying device and is programmed to run said multimedia content application.

26. (Original) The apparatus claimed in claim 25 wherein said processor circuit is programmed to use said multimedia content application to access multimedia content selectable by a user.

27-32. (Cancelled)

33. (Previously Presented) The method claimed in claim 1 further comprising displaying said multimedia content having said tag in a preview window in a presentation window.

34. (Previously Presented) The method claimed in claim 33 further comprising displaying in association with said preview window an identifier that is associated with said multimedia content having said tag.

35. (Previously Presented) The apparatus claimed in claim 17 further comprising means for displaying said multimedia content having said tag in a preview window in a presentation window.

36. (Previously Presented) The apparatus claimed in claim 35 further comprising means for displaying in association with said preview window an identifier that is associated with said multimedia content having said tag.

37. (Previously Presented) The method of claim 1 wherein said multimedia content application comprises a browser and wherein accessing said page comprises accessing a web page with said browser.

38. (Previously Presented) The method of claim 1 wherein copying said multimedia content having said tag comprises copying multimedia content having a tag selected from the group of tags consisting of an image tag, an audio tag and a video tag.

39. (Previously Presented) A method of building a presentation, the method comprising repeating the method of claim 1 in respect of each of a plurality of pages having multimedia content to be included in said presentation.

40. (Previously Presented) The method of claim 39 further comprising storing, in a presentation file, an indication of an order in which said plurality of pages in said memory are to be accessed by said presentation application.

41. (Cancelled)

42. (Previously Presented) A method of building a presentation, the method comprising:
accessing a web page including multimedia content from a multimedia source through a
browser;

subsequent to receiving user selection input while said web page is accessed through said
browser, activating a presentation window and automatically causing said web page to be
presented in a preview window of said presentation window; and

subsequent to receiving user selection input while said web page is presented in said
preview window, automatically identifying multimedia content having a HTML tag by parsing
said web page, and

copying said multimedia content having said HTML tag from said multimedia
source to memory, for access by a presentation application.